

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BRIAN D. BORGELT and CHARLES N.
CARR, dba BULL'S EYE SHOOTERS
SUPPLY,

Petitioners,

v.

THE BUREAU OF ALCOHOL, TOBACCO
AND FIREARMS,

Respondent.

NO. C03-2630RSM

DESIGNATION OF RECORD
FOR PETITIONERS' MOTION
FOR SUMMARY JUDGMENT

In Petitioners' Motion for Summary Judgment filed herewith, the factual recitation must include references to the factual record. The "record" in this case consists of three major groups of evidence.

This manner of reference to the record has been discussed with opposing counsel who concurs in the following nomenclature.

1 The first group of evidence is the administrative record created at the revocation
2 hearing on April 16, 2003 which consists of exhibits offered by both sides and the
3 testimony of four witnesses (Inspectors Dimond, Sanchez and Sherlock, and Bull's Eye
4 employee Deborah McCollum). The government offered Exhibits A through M and the
5 petitioners offered Exhibits 1 through 7. This administrative record in its totality,
6 including a transcript of the testimony and the exhibits that were offered, was filed in paper
7 form with the Clerk's office on May 4, 2004, Docket No. 14. These items are referenced
8 below and either cited by the particular Exhibit letter or number, or a particular person's
9 testimony and page reference in the transcript (filed as Item 27 in the administrative
10 record).

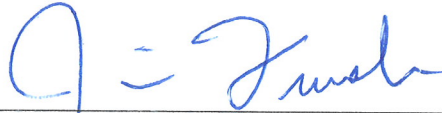
11 The second group of evidence consists of two declarations of Petitioner Borgelt
12 filed August 9, 2007 and August 17, 2007 (Docket Nos. 36 and 37). These are cited as
13 "Borgelt" or "Supplemental Borgelt" and a particular page.

14 The third group of evidence consists of grand jury testimony of Robert Akramoff,
15 David Reinikka, Loren McKinney and Victor Marana, Jr., and a June 8, 2005 letter from
16 Arlen Storm, Assistant United States Attorney. These documents were filed with
17 Petitioners' Reply Memorandum on Motion for Determination of Scope and Standard of
18 Review on June 27, 2008 under Docket No. 51. They will be cited below by reference to
19 the individual's name and a particular page.

20 Lastly, Petitioners submitted additional exhibits entitled Additional Exhibits in
21 Support of Petitioners' Motion for Summary Judgment (Docket No. 60). These will be
22 referred to as "Additional Exhibits," with a numerical designation.

1 Respectfully submitted this 10th day of April, 2009.

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3 CABLE, LANGENBACH, KINERK & BAUER, LLP

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6 C. James Frush, WSBA No. 7092
7 Attorneys for Petitioners
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CERTIFICATE OF SERVICE

I, Nancy J. Masterson, hereby certify under penalty of perjury under the laws of the State of Washington that on April 10, 2009, I electronically filed the foregoing DESIGNATION OF RECORD FOR PETITIONERS' MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record. I further certify that, if applicable, I have served any attorneys of record who are non-CM/ECF participants via facsimile.

I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED at Seattle, Washington on April 10, 2009.


Nancy J. Masterson